

REMARKS

Reconsideration of this patent application is respectfully requested in view of the foregoing amendments, and the following remarks.

The amendments to this patent application are as follows. Claims 1 and 8 were amended to change the expression "the fuel delivery line" to "a fuel delivery line." Thus, the objection to claims 1 and 8 based upon a lack of antecedent basis has now been overcome. Also, the "Suggestion" by the Patent Examiner to amend independent claims 1 and 8 has been carried out based upon Page 6, paragraph 9 of the Office Action.

Hence, it is firmly believed that all the claims are in complete compliance with all the requirements of 35 U.S.C. 112. Withdrawal of this ground of rejection is respectfully requested.

The Applicants comment upon the prior art rejections of the claims as follows.

The present invention is directed to a fuel filter (2) having a filter housing of an internal combustion engine in which water separated from the fuel may collect inside the filter (2), in which a liquid line (3) leads from an area of the filter housing, which is exposed to fuel and where water that is separated can settle out

due to gravity, to a water collecting chamber (4) situated outside the filter housing, wherein a connection line (5) is configured to deliver separated fuel from an upper area of the water collection chamber (4) to an area of a fuel delivery line (1), that is downstream of the filter (2) and upstream of the internal combustion engine, to mix with fuel that has directly exited the filter (2).

Based upon the above-noted revisions to the claims, the present invention is clearly distinguishable from the *Girondi* reference WO 03/067068. This is because the connection line (55) disclosed in *Girondi* is a return flow line (55) that transits excess fuel back to the tank (2). This is downstream from the filter indicated with the reference symbol 3, such that the flow-through direction is the opposite of the direction recited by claim 1 and by claim 8.

The claimed invention is also new and nonobvious with regard to the newly cited *Maxwell* U.S. Patent No. 6,444,121. In *Maxwell*, there is a two-stage water separation system with a connection line (44) that leaves the water separator (42) and leads to the fuel tank (18). This is contrary to the claimed invention, because in *Maxwell* the line (44) does not open into the fuel transport line (24) downstream from the fuel filter (12) and upstream from an internal combustion engine (22).

The *Pakula U.S. Patent No. 4,637,351*, discloses a filter (30) having a water collection chamber (31), which can be emptied into a separate water collection chamber (40) by way of a corresponding drain line (38) and a valve (34) disposed in it. A run-off line (54) leads from the bottom of the separate water collection chamber (40) to a Venturi jet (56), and by way of the latter to the internal combustion engine (20), in which the water is subsequently supposed to be combusted. However, a line that leads the fuel back from the water collection chamber (40) cannot be derived from *Pakula U.S. Patent No. 4,637,351*. The structure is therefore completely different from that claimed in the present invention.

The *Girondi* reference *WO 01/33069* discloses a unit comprising a sensor means positioned in the collection chamber to undergo activation when the water level reaches a predetermined maximum value; there is also provided an electrically operated withdrawal device connected to the vehicle electrical system, to withdraw the water separated within the collection chamber through the bleed outlet, or to close said outlet; a microprocessor is also provided, connected to said sensor means and to the switch means of the vehicle electrical power system, to electrically power the withdrawal device when the sensor means is activated and the ignition key is in a first activation position. Hence, this *Girondi* structure is entirely different from the claimed invention.


For all these reasons, none of the prior art references provide an identical disclosure of the claimed invention. Hence, the present invention is not anticipated under 35 U.S.C. 102, but is patentable under 35 U.S.C. 103, over all the prior art cited by the Patent Examiner.

Withdrawal of these grounds of rejection is respectfully requested.


Respectfully submitted,

Riccardo Carlo GIOLITTI ET AL.

COLLARD & ROE, P.C.
1077 Northern Boulevard
Roslyn, New York 11576
(516) 365-9802
ERF:lgh


Allison C. Collard, Reg. No. 22,532
Edward R. Freedman, Reg. No. 26,048
Attorneys for Applicants

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 18, 2008.


Amy Klein

RA\Patents\G\GIOLITTI ET AL-1 PCT\amendment final june 2008.wpd